

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Commodity Futures Trading Commission,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 20-3758
	)	
Long Leaf Trading Group, Inc., James A.	)	Hon. Thomas A. Durkin
Donelson, Timothy M. Evans, Jeremy S.	)	
Ruth, and Andrew D. Nelson,	)	
	)	
Defendants.	)	

**PLAINTIFF CFTC’S MOTION FOR ENTRY OF CLERK’S DEFAULT AGAINST  
DEFENDANT TIMOTHY M. EVANS<sup>1</sup>**

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff Commodity Futures Trading Commission (“CFTC”) respectfully requests that the Clerk of the Court enter a default against Defendant Timothy M. Evans, on the grounds that Defendant Evans has failed to plead or otherwise defend.

On June 26, 2020, the CFTC filed the complaint in the instant matter against Defendant Evans and others, setting forth various claims arising from a scheme to defraud customers in connection with options and futures contracts. (Doc. 1.) On November 22, 2021, the CFTC moved the Court for leave to serve Defendant Evans via email, and UPS to Evans’s last-known address in Mexico. (Doc. 89.) The Court granted the CFTC’s motion. (Doc. 89.) On November 29, 2021, Counsel for the CFTC served Defendant Evans, via email and UPS, with copies of the Summons and Complaint in this matter. (Doc. 91.)

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<sup>1</sup> Counsel for the CFTC yesterday emailed counsel for Defendants Long Leaf Trading Group, Inc. and James Donelson, and Defendant Jeremy Ruth (proceeding *pro se*) to ask if they objected to the instant motion. They have not indicated any objection, or otherwise responded.

Defendant Evans has failed to file a responsive pleading, as required by Federal Rule of Civil Procedure 12(a)(1)(A)(i) (requiring that defendant file an answer within 21 days of being served with summons and complaint). Defendant Evans has otherwise failed to defend this action<sup>2</sup>. Accordingly, the CFTC respectfully requests that the Court enter a default against Defendant Evans.

/s/ Ashley J. Burden

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Ashley J. Burden  
aburden@cftc.gov  
Elizabeth M. Streit  
estreit@cftc.gov  
Jody Platt  
jplatt@cftc.gov  
Counsel for Plaintiff CFTC  
Commodity Futures Trading Commission  
Division of Enforcement  
77 West Jackson Blvd.  
Suite 800  
Chicago, IL 60604  
(312) 596-0700

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<sup>2</sup> The words “otherwise defend” in Rule 55(a) refer to filings that, while not technically responsive pleadings, seek to challenge, e.g., service, venue, or the sufficiency of an earlier pleading. *See* 10A Charles Alan Wright & Arthur R. Miller, *Federal Prac. & Proc.* § 2682 (4th ed. 2022).

**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2022, I provided service to the persons listed below,  
and by the following means:

Via the Court's electronic CM/ECF system:

Via email, pursuant to agreement, to:

Jim Falvey  
Falvey Law Office  
200 S. Wacker Dr., Ste. 3100  
Chicago, IL 60606-5877  
jimfalvey@yahoo.com

Jeremey S. Ruth  
11220 Brista Way  
Austin, TX 78726  
jeremysruth@hotmail.com

Counsel to Long Leaf Trading Group, Inc.  
and James A. Donelson

*Pro se*

/s/ Ashley J. Burden

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Ashley J. Burden  
Commodity Futures Trading Commission  
Division of Enforcement  
77 West Jackson Blvd.  
Suite 800  
Chicago, IL 60604  
(312) 596-0700  
aburden@cftc.gov